

Shawn-talbot family rice
 In the first judicial district of tens
 Post office box 700#81
 Yavapai county at large
 Ash Fork [86320]
 Arizona republic



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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES OF AMERICA,
 Plaintiff,
 vs.
 SAMUEL DAVIS and
 SHAWN RICE,
 Defendants.

SHAWN RICE,
 Counter-Plaintiff/Claimant,
 vs.
 UNITED STATES OF AMERICA,
 INTERNATIONAL MONETARY FUND
 (I.M.F.) A/K/A THE FUND, FEDERAL
 BUREAU OF INVESTIGATION, and THEIR
 PRINCIPAL, Elizabeth Windsor II, dba
 QUEEN ELIZABETH, dba UNITED
 STATES OF AMERICA, Jaime Sailing dba
 Bureau of Public Debt, Timothy Geithner dba
 United States Treasury, Secretary Arne
 Duncan dba United States Department of
 Agriculture, Jane and John Doe Agents 1-
 10,000,000, XYZ Corporations 1-10,000,000,
 and Red and Blue LLC's 1-10,000,000,
 Counter-defendants/Libelants,

Shawn Rice, Real Party in Interest, Third Party
 Intervener, Protected Creditor to Plaintiff by
 revesting title, Sovereign without subjects,
 Protected Creditor pursuant to UCC 8, Trust
 Interest Holder, and Beneficial Owner of the
 Estate by Statute Merchant, and a Title 18
 Section 245 Federally Protected Legal &
 Lawful Municipality.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

private international law

Case No.: 2:09-CR-078

MEMORANDUM IN SUPPORT OF
 COUNTERCLAIM DEMONSTRATING
 PLAINTIFF CORPORATE STATUS UNDER
 ARTICLE I, SECTION 8, JURISDICTION
 RESTRICTED TO COMMERCE

IN SUPPORT OF DISMISSAL FOR LACK
 OF SUBJECT MATTER JURISDICTION,
 LODGMENT OF PROOF OF PRIORITY
 CLAIM AND RELIEF REQUESTED AND
 MEMORANDUM OF MAXIMS

Shawn-talbot family rice, in the first judicial district of tens.

OBJECTION FOR LACK OF RATIFICATION OF COMMENCEMENT

Third Party Defendant, Shawn-talbot family rice, in the first judicial district of tens, the Real Party In Interest, hereby invokes His eternal Unalienable Rights under the Supreme Authority of Almighty God, including but not limited to man's less superior laws established in the written Constitution for Arizona State and the written Constitution for the United States of America and the Federal Rules of Civil Procedure Rule 12(b) and Rule 17(a) on behalf of above named Defendant / Plaintiff-in-Reconvention.

1. This United States District Court is hereby provided this *Mandatory Judicial Notice* to provide a Memorandum addressing the issue of subject matter jurisdiction and specifically address the *United States Fifth Circuit case Metro Ford Truck Sales, Inc. v. Ford Motor Co.* • 145 F.3d 320 (Sh Cir. 1998) and *Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc.*, 535 U.S. 826, 122 S. Ct. 1889 (2002).

COMES NOW, Shawn-talbot family rice, in the first judicial district of tens, the Real Party In Interest, known as a private American on the county at large yavapai, and does make *special appearance* in this United States District Court on behalf of the Defendant, SHAWN TALBOT RICE to address this Court's subject matter jurisdiction.

DENIAL OF CORPORATE EXISTENCE

Let this Court take notice of the following: I, Shawn-talbot family rice, in the first judicial district of tens, the Real Party In Interest, am not a Corporation; I am a man created in the image and likeness of God and I declare that I stand in the Kingdom of God and I am an heir of the SUPREME SOVEREIGN KING, "*Yahshua*". I hereby invoke my unalienable Rights under the authority of His protection as set forth from the foundation of this world; see KJV *The* 091221 -- [Memorandum in Support of Motion to Dismiss Lack of Subject Matter ...Ratification of Commencement], Page 2 of 19

1 *Holy Scriptures* (Bible) --Genesis 1:1-31. In seeking Truth & Justice with regard to providing a
 2 memorandum of law concerning this Court's subject matter jurisdiction, I firmly present the
 3 question to Clerk of Court, Magistrate(s), and Judge does this Federal Court stand in God's
 4 Kingdom and recognize the SUPREME LAW and the SUPREME JUDGE of the Universe? -
 5 Evidence of the removal of the God's Holy Bible from Court proceedings and the Ten
 6 Commandants removed from the Court rooms and Government buildings. I say no; thus, I,
 7 Shawn-talbot family rice, in the first judicial district of tens, the Real Party In Interest, calls upon
 8 the SUPREME JUDGE who sits upon His Throne in the Heavens to witness and record the
 9 actions of this Court, its Judges and the actions of the corporations known as the UNITED
 10 STATES OF AMERICA; UNITED STATES DISTRICT COURT; UNITED STATES
 11 ATTORNEY OFFICE, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES
 12 TREASURER, UNITED STATES DEPARTMENT OF THE TREASURY, UNITED STATES
 13 DEPARTMENT OF TRANSPORTATION, and UNITED STATES DEPARTMENT OF
 14 AGRICULTURE.

15 16 **OBJECTION FOR LACK OF RATIFICATION OF COMMENCEMENT**

17 Federal Rules of Civil Procedure Rule 17(a)

18 Take **JUDICIAL NOTICE** that the above listed corporations are in violation of Rule 17(a) in
 19 their civil action against the Real Party **In Interest**, Shawn-talbot family rice, in the first judicial
 20 district of tens. It is a fact that no Real Party In Interest for said corporations have issued a
 21 personal claim against Defendant; Black's Law 8th Edition gives definition that: "*A Corporation*
 22 *is an artificial being, invisible, intangible, and existing only in contemplation of law ...*" An

artificial being cannot bring a claim against a flesh and blood man. I hereby object and reject these corporate entities' civil action for lack of ratification of commencement."

OBJECTION & REJECTION OF THIRD PARTY DEBT COLLECTORS FOR LACK OF AUTHENTICATION OF CAPACITY & STANDING & LACK OF FIRST-HAND KNOWLEDGE

Take **JUDICIAL NOTICE** that I object to and reject the statements to alleged facts, pleadings, general actions of the third Party Debt Collectors: UNITED STATES OF AMERICA, its employee, Assistant United States Attorney, Greg Damm. He has no first-hand knowledge of the accounts payable fraud that has been committed against Defendant and has not shown authentication of capacity of plaintiff and standing to appear for or represent the alleged plaintiff(s); it is a fact of record that no Real Party of Interest from the above listed corporations have signed any document validating their claim that lawful money was loaned, or issued to defendant, and a true debt is owed; it is a fact that none of the listed Libellants have a lawful claim against the Defendant. Thus, the SUPREME LAW of God declares in His 8th Commandment that "*thou shalt not steal*" and in His 9th Commandment, "*Thou shalt not bear false witness against your neighbor,* " Thus, there is no lawful claim and this Court is compelled to dismiss this case.

INVOKED UNALIENABLE RIGHTS

I, Shawn-talbot family rice, in the first judicial district of tens, the Real Party In Interest, invoke my Rights allegedly protected by the state Constitution to be secure in my person, my

1 effects and my private property and justice to be administered in due course of Law; I further
 2 invoke protection in the nature of the Declaration of Independence as "rights to life, liberty and
 3 pursuit of happiness" and the alleged Constitution for the United States of America as it applies
 4 to plaintiff which was established "by the people" and "for the people" to keep the federal
 5 Government and its Courts within the bounds of written law. Said Constitution does not operate
 6 upon me, Shawn-talbot family rice, in the first judicial district of tens, but does operate upon and
 7 restrict agents and officers of plaintiff/Libellants.

8 Let this Court take Notice that "All laws which are repugnant to the Constitution are null
 9 and void." Chief Justice Marshall, *Marbury v. Madison* 5 US (1Cranch) 137, 174, 176, (1803);
 10 "Where rights secured by the Constitution are involved, there can be no rule-making or
 11 legislation which would abrogate them." *Miranda v. Arizona* 384 US 436; "The duty of the court
 12 is to insure the Constitution is construed in favor of the citizen." *Byars vs. U.S.*, 273 US 28; "The
 13 Court is to protect constitutionally secured rights." *Boyd v. U.S.*, 116 US 616.

14 15 **UNDENIABLE FACTS**

16 I, Shawn-talbot family rice, in the first judicial district of tens, the Real Party In Interest,
 17 am a Sovereign man under the protection and authority of the SUPREME SOVEREIGN GOD! I
 18 stand in the Kingdom of God where Truth, Honor and Integrity of Law and Justice abide; I make
 19 my local habitation on the county at large, yavapai, Arizona state, which is without the
 20 jurisdiction of the UNITED STATES, a corporate entity, in accord with the Acts of the Forty-
 21 First Congress, Section 34, Session III, chapters 61 and 62 on February 21, 1871; known as the
 22 "Act of 1871". For the sake of clarification, with regard to the Third Party Debt Collector
 23 Attorneys who have made effort to mock and disregard the existence of the "Sovereign", I will

1 provide the definition of '**Sovereign**' as written in 1828 Webster's dictionary and additional
 2 Court cases that substantiate their existence. Definition: 1) *Supreme in power; possessing*
 3 *supreme dominion; as a sovereign prince. God is the sovereign ruler of the universe. 2)*
 4 *Supreme: superior to all others; chief God is the sovereign God of all who love and obey him. 3)*
 5 *Supremely efficacious; superior to all others; predominate; effectual.' as a sovereign; as a*
 6 *sovereign remedy. 4) Supreme; pertaining to the first magistrate of a nation; as sovereign*
 7 *authority. " ---Sovereign (Black's Law Dictionary 6th Edition); "A person, body, or state in which*
 8 *independent and supreme authority is vested; a chief ruler with supreme power; a king or other*
 9 *ruler in a monarchy",*

10 In America, the "people" make up the independent fifty (50) countries and/or States called the
 11 United States of America. Each of these States are 'sovereign' and the "people" living within
 12 them are 'sovereign' as declared by case law: see *Chisholm, Ex'r. v. Georgia* 1 L.Ed (2 Dall) 415,
 13 472 *"Here [in America] sovereignty rests with the People"* [Emphasis added]. It must be noted
 14 that the "people" are the supreme authority under God, they are the rulers of the independent
 15 States and the rulers of their established government; the federal / national government has
 16 limited power within these States; it is a fact of law that the federal / national government has no
 17 jurisdiction or authority over State Sovereigns. ---**Sovereign People** (Black's Law Dictionary 6th

18 Edition):
 19 *"The political body, consisting of the entire number of Citizens and qualified electors, who, in*
 20 *their collective capacity, possess the powers of sovereignty and exercise them through their*
 21 *chosen representatives."* See *Scott v. Sandford*, 19, How. 404, 15 L.Ed.

691. ---**Sovereign States or Sovereignty** (Black's Law Dictionary, 6th Edition): *"The supreme, absolute, and uncontrollable power by which **any** independent state is governed; supreme political authority; the supreme will; paramount control of the constitution and frame of government and its administration; the self-sufficient source of political power, from "which all specific political powers are derived; the international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictation; also a political society, or state, which is sovereign and independent. The power to do everything in a State without accountability, to make laws, to execute and to apply them, to impose and collect taxes and levy contributions, to make war or peace, to form treaties of alliance or of commerce with foreign nations, and the like. Sovereignty in government is that public authority which directs or orders what is to be done by each member associated in relation to the end of the association. It is the supreme power by which any Citizen is governed and is the person or body of persons in the State to govern."* See *City of Bisbee v. Cochise County*, 52 Ariz 1, 78 P.2d 982, 986.

It is a fact that we have a two government system; one called the Government of the UNITED STATES, which is a corporation formed under the "Act of 1871" and the other is the independent government for each of the fifty (50) States; both governments have their own citizens. See *United States v. Cruikshank*, 92 U.S. 542, 23 L.Ed 588 which states: *"We have in our political system [two governments] a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own that owe it allegiance, and whose rights, within its jurisdiction, it must protect."* [Emphasis added]

1 **IMPORTANT NOTICE:** It is a fact that the distinction and declaration of 'sovereign'
 2 State authority has been openly declared by the majority of the States since Barack Obama has
 3 taken office of the Presidency on January 20, 2009. Below is a list of the States who have
 4 declared 'Sovereignty' with a clear and distinct separation of authority and jurisdiction.

5 2009: Arkansas -9th Amendment, 10th Amendment, Funding Issues

6 2009: Arizona - 9th Amendment, 10th Amendment

7 1994: California -10th Amendment

8 1995/96: Georgia -10th Amendment

9 2009: Georgia -10th Amendment

10 2009: Kansas -10th Amendment

11 2009: Kentucky -10th Amendment

12 1997/98: Louisiana -Sovereignty Constitutional Amendment

13 2009: Michigan -10th Amendment

14 2009: Minnesota -10th Amendment

15 2009: Missouri -Freedom of Choice Act (Abortion), 10th Amendment

16 2009: Montana -9th Amendment, 10th Amendment, 2nd Amendment 2009: New Hampshire -9th

17 Amendment, 10th Amendment, Federal Reserve, Taxes, Martial Law, 2nd Amendment,

18 Draft/War, Patriot Act, Labor Camps, 1st Amendment

19 2008: Oklahoma -10th Amendment, (Other Legislation: No Child Left Behind, Real ID Act)

20 2009: Oklahoma -9th Amendment, 10th Amendment, Funding Issues

21 2009: South Carolina -9th Amendment, 10 Amendment, Martial Law and Related, 1st

22 Amendment, 2nd Amendment

23 2009: Tennessee -10th Amendment

24 2009: Texas -9th Amendment, 10th Amendment, Funding Issues

25 1995: Utah [Number: HJR003, Session: 1995] -10th Amendment

26 2009: Utah -Real ID Act

27 2009: Washington -10th Amendment

28 • Proposed: Alabama -9th Amendment, 10th Amendment

29 • Proposed: Alaska

- 1 • 1994: Colorado -10th Amendment
- 2 • 1995: Florida -10th Amendment
- 3 • Proposed [HJM RS 18517]: Idaho -10th Amendment
- 4 • Proposed: Indiana -10th Amendment
- 5 • Proposed: Iowa -10th Amendment
- 6 • Proposed: Maine
- 7 • Proposed: Nevada
- 8 • Proposed: Ohio -10th Amendment
- 9 • Proposed: Pennsylvania -10th Amendment
- 10 • Proposed: Virginia -10th Amendment
- 11 • Proposed: West Virginia -Same As New Hampshire
- 12 • Republic of Lakotah -Full Independence
- 13 • Hawaii -Full Independence
- 14 • Oregon, South Dakota, New Mexico, and Michigan also have new bills proposed.

15

16 These above listed States have introduced or proposed bills and resolutions to remind President

17 Obama that the 10th Amendment protects the rights of the States and the rights of the people, by

18 limiting the power of the federal government. I suggest that all parties who may come in contact

19 with this *Mandatory Judicial Notice* review the bills that are being passed by State governments

20 to see a clear picture that "sovereign people", "the general public" are aware of and fully awake

21 to the corruption of the over-reaching hand of the Federal Government, it's corrupted Courts,

22 corrupted Judges, the corrupted Banks & Corporations, and yes, the corrupted Attorneys who

23 bind up and twist the law to be used against the "sovereign people". It would do well that the

24 third party debt collectors engaged in this matter take heed the words of KING Yahshua, "*Woe*

25 *unto you also, ye lawyers! for ye lade me with burdens grievous to be borne, and ye yourselves*

26 *touch not the burdens with one of your fingers ... for ye have taken away the key of knowledge:*

1 *ye entered not in yourselves, and them that were entering in ye hindered. " KJV The Holy*
2 *Scriptures (Bible) -Luke 11:46, 52. The above referenced States that are initiating bills and*
3 *resolutions have ordered the Federal Government to cease & desist from its reckless government*
4 *expansion and they have been informed that federal laws and regulations implemented in*
5 *violation of the 10th Amendment will be nullified by the States. The sovereign Citizens of the*
6 *fifty (50) States have the supreme Right under the authority of Almighty God and their State*
7 *government laws to reject the mandates of the federal government and the rulings of the federal*
8 *Courts.*

9 *Again for reiteration, so that all parties have a clear understanding of Sovereignty Hierarchy:*
10 *First and Foremost, the highest SUPREME SOVEREIGN is ALMIGHTY GOD, our CREATOR*
11 *and His name is "Yahweh"; His son's name is, "Yahshua" which is the KING of the Universe!*
12 *One can choose to believe it or not but THEY are in charge and their angels record all the affairs*
13 *of men and will bring every man & woman's actions into judgment. Indeed, KING, "Yahshua" is*
14 *the SUPREME JUDGE of the Universe and no Bank CEO or Corporate Executive, Judge or*
15 *Attorney is above His LAW. Secondly, it is the "people" and/or "We the People" which are*
16 *absolute Sovereigns, the created of Almighty God, The Lawmakers and the Rulers of instituted*
17 *governments. Thirdly, the Constitution for each Sovereign State and the Constitution for the*
18 *United States of America, which was created by the "Sovereigns" as the Supreme Law of the*
19 *land, which gives government and its courts limited power over the "people". It is worthy to*
20 *note, that the 2nd President, John Adams, reminds the "people" of the following: "You have*
21 *rights antecedent to all earthly governments; rights that cannot be repealed or restrained by*
22 *human laws; rights derived from the Great Legislator of the Universe."*

1 **Our forefathers created a nation where all free men were equal to a King, meaning**
2 **each was Sovereign, with no power over him except that of Almighty God and conscience.**
3 They further declared the only purpose of government for the Constitutional Republic was to
4 protect the rights of the governed, such as Liberty, Freedom and Independence. The American
5 Constitution states in Article IV clause 4 that:
6 *"The United States shall guarantee to every State in this Union a Republican Form of*
7 *Government...";* it must be noted that the Courts in the past have upheld this foundation of law in
8 such cases as Afroyim v. Rusk, 387 US 253 (1967): *"In the United States the people are*
9 *sovereign and the government cannot sever its relationship to the people by taking away their*
10 *citizenship."* See Hancock vs. Terry Elkhorn Mining Co. 530 S.W. 2d 710 Ky which states:
11 *"Under the democratic form of government now prevailing the People are King so the*
12 *Attorney General's duties are to that of the Sovereign rather than to the machinery of*
13 *government"* See The People vs. Herkimer 15 Am Dec 379, 4 Cowen (N.Y. 345, 348 (1845)
14 which states: *"The People, or the Sovereign, are not bound by general word ... in statutes,*
15 *restrictive of prerogative right, title or interest, unless expressly named Acts of limitation do not*
16 *bind the King nor the People. The People have been ceded all the Rights of the King, the former*
17 *Sovereign ... It is a maxim of the common law that when an act of parliament is made for the*
18 *public good, the advancement of religion and justice, and to prevent injury and wrong, the King*
19 *shall be bound by such an act, though not named; but when statute is general, and may*
20 *prerogative right, title or interest would be divested or taken from the King (or the People) in*
21 *such case he shall not be bound"* See the Supreme Court decision Hale vs. Henkle 201 U.S. 43 at
22 74 which states: *"The individual may stand upon his Constitutional rights as a Citizen. He is*
23 *entitled to carry on his private business in his own way. His power to contract is unlimited. He*

091221 -- [Memorandum in Support of Motion to Dismiss Lack of Subject Matter ... Ratification of
Commencement], Page 11 of 19

1 owes no duty to the State or to his neighbors to divulge his business or to open his doors to
 2 investigation ... He owes no duty to the State, since he receives nothing there from, beyond the
 3 protection of his life and property. His rights are such as existed by the Law of the Land, long
 4 antecedent to the organization of the State, and can only be taken from him by due process of the
 5 law and in accordance with the Constitution. He owes nothing to the public so long as he does
 6 not trespass upon their rights. " This Supreme Court ruling has never been overturned! --See
 7 Lulliard vs. Greenman 110 U.S. 421 which states: "*There is no such thing as a power of inherent*
 8 *Sovereignty in the government of the United States. In this country sovereignty resides in the*
 9 *People, and Congress can exercise no power which they have not, by their Constitution entrusted*
 10 *to it: All else is withheld.*" See Chisholm v. State of Georgia 2 US 419 (DAL.L.) 471 which
 11 states: "*In the United States, Sovereignty resides in the people, who act through the organs*
 12 *established by the Constitution.*" See Yick Wo vs. Hopkins and Woo Lee vs. Hopkins 118 U.S.
 13 356. (S. Ct.) which states: "*Sovereignty itself is, of course, not subject to law for it is the author*
 14 *and source of law.*" THUS, the "King" and/or known as the "Sovereign" cannot be sued in his
 15 own court without his consent. See Siren vs. U.S. 74 U.S. 152 which states: "*It is the doctrine of*
 16 *the common law, that the Sovereign cannot be sued in his own court without his consent.*"
 17 Shawn-talbot family rice, in the first judicial district of tens, the Real Party In Interest, will not
 18 engage in debate or provide memorandum of opinion in this foreign jurisdiction using court
 19 cases that pertain to corporations such as the *United States Fifth Circuit case Metro Ford Truck*
 20 *Sales, Inc. v. Ford Motor Co., 145 F.3d 320 (5th Cir. 1998) and Holmes Group, Inc. v. Vornado*
 21 *Air Circulation Systems, Inc., 535 US 826, 122 S. Ct. 1889 (2002).*

COURT LACKS SUBJECT MATTER JURISDICTION F.R.Civ.P. 12(b)

1. Dismissal of this case from this Court is mandatory pursuant to Federal Rules of Civil Procedure 12(b), wherein Defendant declares the following objections of this Court's authority:

1) Lack of subject-matter jurisdiction; 2) Lack of personal jurisdiction; 3) Improper venue;

2. Dismissal is mandatory under Federal Rules of Civil Procedure 12(b)(1) due to the fact that

this Court does not have Subject-Matter Jurisdiction over the DEFENDANT or the Third Party

Defendant, the Real Party In Interest in accord with the Constitution for the United States,

Article 1 Section 8 Clause 17, which established Territorial courts called United States District

Courts to function in 'federal zones / areas' only; under Title 4 United States Code 110(e) the

jurisdiction of the U.S. District Courts have no authority within the 50 States of the Union. The

Supreme Court stated in *Downs v. Bidwell* (1901), "*The laws of Congress in respect to those*

matters [outside of Constitutionally delegated powers] do not extend into the territorial limits of

the states [50 States of the Union], but have force only in the District of Columbia, and other

places that are within the exclusive jurisdiction of the national government" [Emphasis added).

TITLE 4 U.S. CODE 110:

*(e) The term "Federal area" means any lands or premises held or acquired by or for the use of

the United States or any department, establishment, or agency, of the United States; and any

Federal area, or any part thereof, which is located within the exterior boundaries of any State,

shall be deemed to be a Federal area located within such State.

3. Article 3, Section 1 of the Constitution describes the jurisdictional authority for the District

Courts of the United States, "*Judicial power of the 'United States' is vested in the Supreme*

Court, and in such inferior courts as the Congress may from time to time ordain and establish. "

As such, Congress can change their structure because Congress has the Constitutional authority

091221 -- [Memorandum in Support of Motion to Dismiss Lack of Subject Matter ...Ratification of

Commencement], Page 13 of 19

to do so. Congress made such a change in the structure of the Judiciary Branch of the government in 1976; Congress passed Public Law 94-381 changing the jurisdiction of the Federal District Courts; all United States District Courts are now Administrative Courts under the Executive Branch of the federal government and as such have no legal authority to hear or consider the law (see further explanation in Senate Report 94-204). The fact is, the United States District Judges take an Oath of Office that applies only to the 'Territorial office' they hold. The only Constitutional Judicial Courts able to hear Constitutional questions arising from an Act of Congress resides outside the *'jurisdiction'* of the Congress and these are State Courts and the Court of International Trade located in New York City. As a result, all United States District Courts are *'At Law courts'* and are not *'In Law Courts'* and as such the Federal District Courts are only courts of consent; therefore, DEFENDANT, Third Party Defendant, Shawn-talbot family rice, in the first judicial district of tens, the **Real Party In Interest hereby firmly invokes his Right not to consent to the ruling of this 'At Law Court'.**

LACK OF PERSONAL JURISDICTION F.R.Civ.P. 12(b)(2)

4. Dismissal is mandatory under the Federal Rules of Civil Procedure 12(b)(2), due to the fact that Shawn-talbot family rice, in the first judicial district of tens is a private 'American' who makes his local habitation on the county at large, yavapai, Arizona state, which is without the jurisdiction of the United States; the "United States" as defined in 8 U.S.C. 12 § 1101(a)(38) and IRC § 7701 (a) (definitions) (9), is a federal corporation and is without the jurisdiction of the United States of America.

5. The Real Party In Interest, Shawn-talbot family rice, in the first judicial district of tens declares under the penalty of perjury by his below signature the fact that he is an '*American*' who makes his local habitation on the county at large, yavapai, Arizona state and is not a 14th Amendment '*u.s.citizen*' subject to the jurisdiction of the '*United States*', a corporation established by the Congressional "Act of 1871". **Hidden Adhesion Contract Cancellation Notice:** if there is an assumption of jurisdiction or personal liability by the court in case number 2:09-CR-078 et. al., let this record reflect that I hereby revoke, rescind, refute and cancel my signature from all adhesion contracts, including, but not limited to, unilateral contracts, made by Me, or made for Me by accommodation, or made by presumption, by PERSONS acting for Me as My guardian without providing Me with full disclosure of said contracts. If any parties of said corporations as listed herein have assumed power of attorney through such hidden adhesion contracts through lack of full disclosure, these documents, including the fraudulent mortgage contracts are now cancelled and made null and void.

6. Personal Jurisdiction and subject of Citizenship status is a" follows:

a) If a man or woman is born in Washington, D.C. or any of the U.S. Territories or Possessions of the '*UNITED STATES*', you are a '*U.S. citizen*' since the Act of 1871; a '*Citizen of the United States*' is clearly defined in 26 CFR 31.3121 (e)(b) to be "*a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.*"

b) If you were born in one of the fifty (50) States of the Union [The Republic] you are an '*American citizen*' and you have never been subject to the exclusive jurisdiction of the '*UNITED STATES*' [federal government or federal corporation]; the 50 States of the Union, as found in the Constitution for the United States of America, Article IV, Section 4 states, "*The United States* 091221 -- [Memorandum in Support of Motion to Dismiss Lack of Subject Matter ...Ratification of

1 *shall guarantee to every State in this Union a Republic form of government...* "American citizens
 2 live in the independent, sovereign State, under a Republic form of government where all God-
 3 given Rights are protected under common law. FURTHERMORE, the 10th Amendment of the
 4 Constitution for the United States of America states: *"The powers not delegated to the United*
 5 *States by the Constitution, nor prohibited by it to the States, are reserved to the States*
 6 *respectively, or to the people. "*

7 c) The term '*United States*' geographically defined, in the Internal Revenue
 8 Code, relates only to the Federal Government and the exclusive [sovereign] jurisdiction thereof.

9 d) The term '*United States of America*' geographically defined refers to the fifty
 10 (50) States of the Union in which the federal government has very limited jurisdiction.

11 e) '*States*' in regard to the Federal Zone are considered to be: Guam, Puerto Rico, Virgin Islands
 12 and American Samoa and the land ceded over to the Federal Government that are within the
 13 areas of the 50 States.

14 f) '*States*' in regard to The Republic are the States of the Union such as: Arizona, Washington,
 15 California, Mississippi, Texas, Wyoming, etc.

16 **IMPROPER VENUE F.R.Civ.P. 12(b)(3)**

17 7. Dismissal is mandatory under Federal Rules of Civil Procedure 12(b)(3). a) The
 18 DEFENDANT and the Third Party Defendant, Shawn-talbot family rice, in the first judicial
 19 district of tens does not reside within the jurisdiction of the UNITED STATES DISTRICT
 20 COURT FOR THE DISTRICT OF NEVADA, which is without the jurisdiction of the "United
 21 States of America".

b) The "UNITED STATES GOVERNMENT" is a foreign corporation with respect to the fifty States which is affirmed by U.S. v. Perkins, 16 S. Ct. 1073, 163 U.S. 625, 41 L. Ed. 287;

FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

F.R.Civ.P. 12(b)(6)

8. Dismissal is mandatory under the Federal Rules of Civil Procedure 12(b)(6), whereby the Petitioner has failed to state a claim upon which relief can be granted; it is a fact pursuant to House Joint Resolution 192, 73rd Congress, Session 1, Ch. 48, June 1933 (public Law No. 10) that our financial system is strictly a credit system with no lawful constitutional money in circulation to pay a debt; all the "people" can do is discharge a debt with the issuance of one's credit as a "promise to pay" and/or a "promissory note" and this was accomplished by the Defendant.

9. Third Party Debt Collector, Greg Damm, allegedly representing UNITED STATES OF AMERICA without authentication of standing or capacity has submitted to the court in case number 2:09-CR-078 et. al. a memorandum of hearsay (indictment) that alleges that Defendant engaged in money laundering with his own revested trust res (demonstrated by an eight year old UCC filed, USDC court filed claim for collections), he further alleges that Defendant "RICE" waived his rights for removal from State Court system, he further provided submission of court cases with personal opinions and explanation in an effort to influence jurisdiction over Defendant, the Real Party In Interest, Shawn-talbot family rice, in the first judicial district of tens, when all the referenced Court cases are irrelevant as they deal with corporations and not the flesh and blood man; thus this Court must reject this Third Party Debt Collector's memorandum for cause as stipulated herein. --Let this Court take Notice that "All laws which are repugnant to

1 the Constitution are null and void." Chief Justice Marshall, *Marbury v. Madison* 5 US (1 Cranch)
 2 137, 174, 176, (1803); "Where rights secured by the Constitution are involved, there can be no
 3 rule-making or legislation which would abrogate them." *Miranda v. Arizona* 384 US 436; "The
 4 duty of the court is to insure the Constitution is construed in favor of the citizen." *Byars vs. U.S.*,
 5 273 US 28; "The Court is to protect constitutionally secured rights." *Boyd v. U.S.*, 116 US 616.

6
 7 I, Shawn-talbot family rice, in the first judicial district of tens, who makes his local habitation on
 8 the county at large, yavapai, Arizona state, the Real Party In Interest, being of sound mind,
 9 competent and able to testify to the accuracy of this Instrument, do hereby attest that all facts and
 10 statements asserted herein are true, correct, complete to the best of my knowledge and belief, not
 11 misleading, admissible as evidence, and if requested to testify shall so state under the penalty of
 12 perjury.

13 Thus saith Yahweh (יהוה), I am,

14 *Signature located on back, private side of this instrument*
 15
 16

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12 I am not eligible to receive any benefit that monetizes the purity of my spirit and
13 my soul before my first breath, nor can I find any lawful authority that allows the
14 product of public funds to be produced through the monetization of the purity of
15 the spirits and souls of children.

16
17 Thus saithe אלהינו our elohim,
18
19 the great office of exhorter/teacher, Romans 12:7-8,
20 The Rabbi Rice (Statute Staple, on file at the Library of Congress)
21

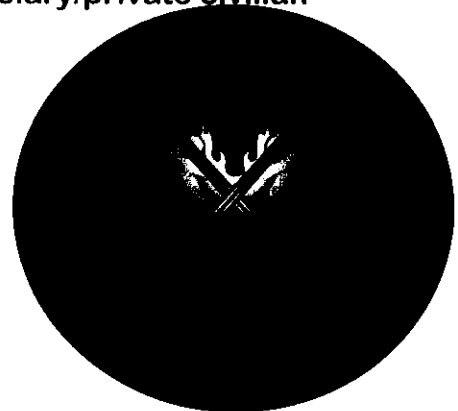
22 *Shawn Talbot Rice*
23
24
25

26 Shawn-talbot family rice, in the first judicial district of tens,
27 on the yavapai county, Arizona Republic
28

29 All stamp duty tax/ transfer fee/ foreign encumbrances which includes but
30 not limited to foreign electronic filing fees, foreign storage fees, foreign fees,
31 electronic signature fees, or any other currency fee are
32

33 prepaid by my trustee , יהושע to my Sovereign, אלהינו.
34
35

36 private beneficiary/private civilian
37
38



CERTIFICATE OF SERVICE

COPY of the forgoing hand delivered, on the 30th day of December, 2009, to:

Assistant U. S. Attorney Damm, Prosecutor
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
Phone: 702-388-6336
Fax: 702-388-5087

Service performed by:

Shawn-talbot family rice
In the first judicial district of tens
Post office box 700#81
Yavapai county at large
Ash Fork [86320]
Arizona republic